



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,493	07/23/2003	Craig Alexander Will	SS0156C (NORT10-00325)	8086

33000 7590 12/14/2006

DOCKET CLERK
P.O. DRAWER 800889
DALLAS, TX 75380

EXAMINER

KNOWLIN, THJUAN P

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,493

Applicant(s)

CRAIG ALEXANDER WILL

Examiner

Thjuan P. Knowlin

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 07/23/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are unclear and unable to be read. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Double Patenting

2. Claims 46-63 and 76-78 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,721,410. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of the claims of the instant application are broad enough to be encompassed by the limitations of the patent and as such it would have been obvious to one of ordinary skill in the art to implement the claims of the instant application using the claims of the patent in order to determine that a first individual is likely to be interested in communicating with a second individual via a first communications link, retrieving information via the first communications link about one or more additional individuals from electronic memory means associated with the

second individual; and establishing communication with at least one of the additional individuals based on the retrieved information.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 46, 47, 51, 53-55, 59, 61-69, and 71-81 are rejected under 35 U.S.C. 102(e) as being anticipated by Goedken (US 6,393,423).

4. In regards to claims 46, 47, 54, 65, 66, 67, 74, 75, 76, 78, 79, and 81, Goedken discloses a method for real-time communication among two or more individuals separated in space ("chat room"), comprising the steps of: determining that a first individual is likely to be interested in communicating with a second individual via a first communication link; retrieving information via the first communications link about one or more additional individuals from electronic memory means associated with the second individual ("directory of potential participants"); and establishing communication with at least one of the additional individuals ("private room") based on the retrieved information (See col. 2-3 lines 58-2).

5. In regards to claims 51, 53, 59, 61, 68, 69, 72, 77, and 80, Goedken discloses the method, wherein the communication established between the first and second individuals comprises exchanges or text messages (See col. 2-3 lines 64-2).

6. In regards to claims 64, 71, and 73, Goedken discloses a collaborative conferencing system comprising: a large virtual space room; a display for displaying in real-time a representation of only those persons in the virtual space room who have been defined as likely to be interesting; and means for establishing communications with the persons in the virtual space room (See col. 2-3 lines 58-2).

7. In regards to claim 55, Goedken discloses the method, wherein the information in the memory is obtained by observing previous communications between the second individual and one of the individuals in the memory (See col. 17-18 lines 62-12).

8. In regards to claims 62 and 63, Goedken discloses the method, wherein from observing previous communications between the second individual and one of the individuals in the memory, the frequency with which the second individual communicates with the individuals in the memory is determined and the individuals are sorted in the memory according to the frequency of communication (See col. 14 lines 43-67 and col. 17-18 lines 62-12).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 52 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goedken (US 6,393,423).

10. Goedken discloses all of claims 52 and 60 limitations except the method, wherein the first and second individuals communicate via real-time video. However, it is well known in the art to use real-time video (e.g. webcam) as a way of communicating. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ the method with real-time video (e.g. webcam). People may prefer real-time video over text or voice communication.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 48, 49, 56, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goedken (US 6,393,423), and further in view of Leipow (US 6,148,067).

12. Goedken discloses all of claims 48, 49, 56, and 57 limitations except the method, wherein the communication established between the first and second individuals is by real-time telephony. Leipow, however, discloses the method, wherein the communication established between the first and second individuals is by real-time

telephony (See Fig. 1 and col. 2-3 lines 64-5). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention, to employ the method with real-time telephony, as a way of allowing parties engaged in on-line "chat" rooms, to communicate with each other via the telephone network using telephone stations. Again, people may prefer speaking with someone instead of "chatting" in an Internet chat room.

13. Claims 50, 58, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goedken (US 6,393,423), Leipow (US 6,148,067), and further in view of Herz (US 6,029,195).

14. Goedken and Leipow disclose all of claims 50, 58, and 70 limitations except the method, wherein the communications established between the first and second individuals comprises exchanges of voice mail messages. Herz, however, discloses the method, wherein the communications established between the first and second individuals comprises exchanges of voice mail messages (col. 80 lines 4-17 and col. 81 lines 14-25). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ the method with exchanges of voice mail messages, as a way of allowing users to communicate with each other through the use of voice mail messages, which may be preferred over text messages.

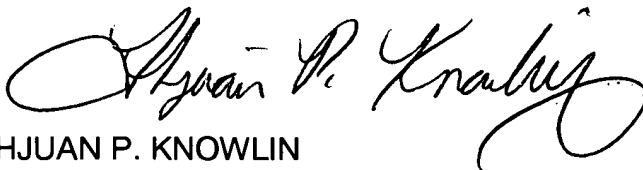
Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. De Boor et al (US 6,317,781) teach a wireless communications device with markup language based man-machine interface.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



THJUAN P. KNOWLIN
PATENT EXAMINER
TECHNOLOGY CENTER 2600